

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-1824V

Filed: March 15, 2019

UNPUBLISHED

MARK PFEIFER, as Administrator of
the Estate of RONALD VINCENT
PFEIFER, deceased,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Guillain-
Barre Syndrome (GBS)

Kate Gerayne Westad, Larkin, Hoffman, et al., Ltd., Minneapolis, MN, for petitioner.
Lisa Ann Watts, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

Dorsey, Chief Special Master:

On November 21, 2017, Mark Pfeifer (“petitioner”), as the administrator of the estate of Ronald Vincent Pfeifer (“Mr. Pfeifer”), filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleged that Mr. Pfeifer suffered Guillain-Barré Syndrome (“GBS”) and respiratory failure which resulted in his untimely death on November 26, 2015, as a direct result of the influenza vaccination and/or influenza and Prevnar 13 vaccinations he received on October 29, 2015. Petition at ¶¶ 1, 4. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ The undersigned intends to post this decision on the United States Court of Federal Claims' website. **This means the decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access. Because this unpublished decision contains a reasoned explanation for the action in this case, undersigned is required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services).

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On September 20, 2018, a ruling on entitlement was issued, finding petitioner entitled to compensation for Mr. Pfeifer's GBS and untimely death. On March 15, 2019, respondent filed a proffer on award of compensation ("Proffer") indicating petitioner should be awarded \$465,000.00, representing compensation in the amount of \$215,000.00 for Mr. Pfeifer's pain and suffering and \$250,000.00 for the statutory death benefit. Proffer at 1-2. In the Proffer, respondent represented that petitioner agrees with the proffered award. *Id.* at 2. Based on the record as a whole, the undersigned finds that petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **the undersigned awards petitioner a lump sum payment of \$465,000.00, representing compensation in the amount of \$215,000.00 for Mr. Pfeifer's pain and suffering and \$250,000.00 for the statutory death benefit, in the form of a check payable to petitioner, Mark Pfeifer.** This amount represents compensation for all damages that would be available under § 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

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OFFICE OF SPECIAL MASTERS**

MARK PFEIFER, as Administrator of
the Estate of RONALD VINCENT
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Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 17-1824V
Chief Special Master Dorsey
ECF

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On November 21, 2017, Mark Pfeifer (“petitioner”), as Administrator of the Estate of Ronald Vincent Pfeifer (“Mr. Pfeifer”), filed a petition for compensation alleging that Mr. Pfeifer suffered Guillain-Barré syndrome (“GBS”), a Table injury, as a result of an influenza (“flu”) vaccine administered to him on October 29, 2015, and that his death on November 26, 2015, was a sequela of that alleged vaccine injury.

On September 20, 2018, Respondent filed his Rule 4(c) Report conceding entitlement to compensation for Mr. Pfeifer’s Table injury of GBS following the flu vaccine and subsequent death. That same day the Chief Special Master issued an Entitlement Ruling finding that petitioner was entitled to compensation under the Vaccine Act for Mr. Pfeifer’s GBS and death.

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$465,000.00 consisting of \$215,000.00 for Mr. Pfeifer’s pain and suffering, and \$250,000.00 for

the statutory death benefit. This represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

II. Form of the Award

The parties recommend that the compensation provided to petitioner should be made through a lump sum payment of \$465,000.00 in the form of a check payable to petitioner.

Petitioner agrees.

Respectfully submitted,

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Assistant Attorney General

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s/Lisa A. Watts
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Dated: March 15, 2019